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Glenn Cowelchuk

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EXAMINER

WATKINS III, WILLIAM P

ART UNIT

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GROUP 1700

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/821,058
Filing Date: April 08, 2004
Appellant(s): COWELCHUK ET AL.

Marc F. Malooley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 January 2007
appealing from the Office action mailed 05 July 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0042421 A1	Schwarzwalder et al.	2-2005/4-2003
2003/0194542 A1	Springer	10-2003
2004/0247828 A1	Brozenick et al.	12-2004/6-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springer (U.S. 2003/0194542 A1) in view of Brozenick et al. (U.S. 2004/0247828 A1) and Schwarzwalder et al. (U.S. 2005/0042421 A1).

Springer teaches a plastic trim panel that has fasteners attached by fusion molding the plastic fasteners onto the

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surface of the trim panel where they are intended to function (abstract, Figure 2, 0011). Schwarzwald et al. teaches forming a thermoplastic article on an automotive panel by molding the plastic through an aperture in the panel then shaping the thermoplastic into the desired shape (abstract, Figure 1, section 0009, Figure 18A-C). Brozenick et al. teaches joining a thermoplastic surface layer of a trim panel by drawing thermoplastic fasteners through the panel (abstract, section 004). The instant invention claims wire harness fasteners and other attachment means attached to a trim panel by being molded with and connected to a skin layer on the opposite side of the panel substrate through an aperture.

It would have been obvious to one of ordinary skill in the art to have formed the fasteners of Springer by molding plastic that passes through a hole in the trim substrate of Springer and attaches to a skin layer on the other side in order to better secure the fasteners to the trim substrate because of the teachings of Schwarzwald et al. and Brozenick et al. Attachment of any known plastic attachment article used in trim panel would have been obvious in view of these teachings. No particular weight is given to the components being injected molded as claimed, as there is evidence that injection molding

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produces any structure that is different than the molding taught by the references of the combination.

(10) Response to Argument

A. Response to Appellant's arguments regarding the Claim 1

beginning on page 4 of the Brief filed 18 January 2007.

Appellant argues that Brozenick et al. and Schwarzwald et al. only show an attachment head or molded section that attaches the skin layer to the substrate layer and that this attachment head is not configured to attach anything else to the combined substrate and skin layer. The examiner disagrees. While Brozenick et al. does not explicitly disclose a configuration that allows further attachment, there is no explicit restriction on the shape of the molded attachment head (sections 0047 and 0048). Regarding Schwarzwald et al. the reference at section 0082 explicitly teaches that the section molded portion which is on the opposite side of the substrate from the first layer or skin portion, may be formed into a wire harness organizer, which is a form of attachment means for wire. Also Figure 28 explicitly teaches (section 0112) that element 121 holds layer 110 to layer 112 while element 120 is designed to join still

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further objects to the substrate and skin layer. Thus there is clearly motivation to join skin layers to substrates with layer portions on both sides of the substrates and further to form the second side portions into devices which allow further attachment such as the function of a wiring harness.

Appellant argues that Springer does not deal with attaching resin to a substrate. The examiner disagrees. Sections 0039 and 0038 of Springer describe molding a base layer to a skin layer and section 0041 describes molding attachment devices and ribs to the opposite side of the substrate layer from the skin layer that is visible to occupants of the vehicle. Brozenick et al. discloses that both the substrate and skin layers may be thermoplastics (section 0031 and 0040). Schwarzwald et al. also teaches that both the substrate and skin layers may be thermoplastics (Figure 18A-C, section 0095). Thus all three references of the combination deal with the common problem of joining resin layers to each other in automotive trim applications. Appellant argues starting at the bottom of page 5 of the Brief that Springer teaches away from the combination by teaching that the attachment components are not visible on the show side of the surface and that using the methods of the secondary references would destroy this function. The examiner

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disagrees as Brozenick et al. explicitly teaches steps to be taken to mitigate this potential problem in section 0053.

At the bottom of page 6 Appellant argues that injection molding of all portions is not shown and that this process limitation may result in different final structures. Appellant has presented no specific evidence of this and the examiner fails to see how reheating and flow of a thermoplastic will result in a different structure than flow of heated resin during injection molding. Appellant repeats arguments addressed above regarding the lack of the second side portion in the secondary references being configured for further attachment and argues that Springer only teaches an attachment member on one side. The examiner relies on the secondary references for teaching of using a second portion and a skin portion joined through an aperture in the substrate layer.

B. Response to Appellant's arguments regarding Claims 2-7

beginning on page 7 of the Brief filed 18 January 2007.

Appellant merely argues that these dependent claims rise and fall for the same reasons argued for claim 1 in the Brief. These arguments are addressed in the above section.

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C. Response to Appellant's arguments regarding Claim 8 beginning on page 8 of the Brief filed 18 January 2007.

Appellant again relies on the arguments of lack of motivation and lack of features advanced regarding claim 1 above and the examiner again relies on the arguments given in above section regarding claim 1.

D. Response to Appellant's arguments regarding Claims 9-15 beginning on page 9 of the Brief filed 18 January 2007.

Appellant argues that these are dependent claims that rise and fall with claim 8. The examiner again relies on the responses given above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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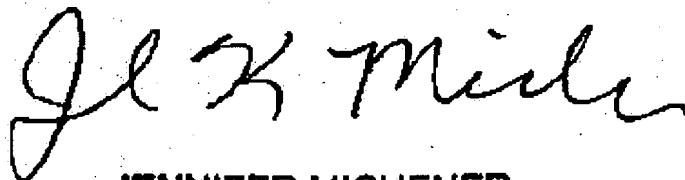
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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Primary Examiner AU 1772

Conferees:



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